

## **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims **1, 3-54, 56-105**, and **110-111** are pending.

Claims **1, 3-54, 56-105**, and **110-111** have been rejected.

## **CLAIM REJECTIONS**

### **35 U.S.C. §103 Rejections**

In the Office Action, claims **1, 3-39, 54, 56-91**, and **110-111** were rejected under 35 U.S.C. §103(a), as being unpatentable over Zhang et al (US Patent 6,891,854) in view of Bennett et al (US Patent 6,421,359) and further in view of Kollmyer et al (US Patent 7,165,1751).

In the Office Action, claims **40-53**, and **92-105** were rejected under 35 U.S.C. §103(a), as being unpatentable over Zhang et al (US Patent 6,795,506) in view of Kollmyer et al. (US Patent 7,165,175).

### **35 U.S.C. §103 Rejections of claims 1, 3-39, 54, 56-91, and 110-111**

In the Office Action, claims **1, 3-39, 54, 56-91**, and **110-111** were rejected under 35 U.S.C. §103(a), as being unpatentable over Zhang et al (US Patent 6,891,854) in view of

Bennett et al (US Patent 6,421,359) and further in view of Kollmyer et al (US Patent 7,165,1751).

Applicants respectfully traverse the rejection of claims 1, 3-39, 54, 56-91, and 110-111 under 35 U.S.C. §103.

In section 6 of the Office Action, the Office mentions that the Applicants argument as filed on April 4, 2010 have been fully considered by is moot in view of new grounds of rejection.

The Applicants respectfully assert that the current rejection repeats some of the reasons for rejection that were given in the previous Office Action (especially with regard to the '854 Zhang reference and to the Bennett reference), against which the Applicants have previously argued. Since those arguments were not referred to by the Office, the ability of the Applicants to overcome those rejections have been hampered by the Office. The Applicants therefore request the Office to address those arguments as instructed by section 707.07(f) of the MPEP. Especially, as section 6 of the Office Action was phrased under subsection 7.3, it is noted that in the subsequent note, it is stated that in such rejection any arguments presented by the applicant which are still relevant to any references being applied should be addressed.

Also, in section 706.02 of the MPEP, it is stated that Prior art rejections should ordinarily be confined strictly to the best available art. Since all the documents recited in the rejection of claims 1, 3-39, 54, 56-91, and 110-111 have been recited in different combinations in the previous Office Action, the Applicants respectfully deduct that in at least one of those Office Actions (at least the present Office Action and the one immediately preceding it), the claims pending were rejected under an available prior art that is not the best available prior art. Requiring the Applicants to respond to rejections based on prior art not strictly confined to the best available art cast unnecessary burden on the Applicants, in terms of both time, money, and intellectual property protection. The Applicants therefore request the Office to withdraw the standing rejection, and to allow the application, or at least provide a rejection based on the best available prior art.

Referring to the '854 Zhang reference (which will be referred to simply as "the Zhang reference" in the context of the rejection of claims 1, 3-39, 54, 56-91, and 110-111), the Applicants assert that contrary to the rejection of the Office, the Zhang reference does not

teach receiving, by an interface, a set of media streams, each media stream of the set of media streams comprises non-encrypted media stream components and encrypted media stream components.

In the Office Action, item 804 is recited as teaching [...] and encrypted media stream components, as well as "multiple bits streams" mentioned in columns 13 and 14 of the Zhang reference. Item 804 is a bit-rate converter. The Applicants assert that a bit-rate converter is a component for converting bit-rate. Starting in column 14, line 64, the Zhang reference clearly recites: "Each of the bit rate converters 802, 804, 806 is preferably coupled to receive a respective original compressed bit stream and outputs a rate converted bit stream." All the more so, bit-rate converter 804 is always disclosed as an equal part of the trio of bit rate converters 802, 804, 806, and therefore the Applicants are very interested in the basis used by the office to differentiate between "item 802" which is argued to teach non-encrypted media streams components, and "item 804" that is argued to teach encrypted media stream components.

The Applicants further takes note that each of the bit-rate converters 802, 804 – and 806 – receives a different respective original compressed bit stream, and therefore even if the bit rates converters were somehow to be differentiated (in a manner not supported in the disclosure of the Zhang reference), since they receive different bit streams, they can not teach of "receiving [...] each media stream [...] comprises non-encrypted media stream components **and** encrypted media stream components".

This line of reasoning is further applied to the mixing by the Office of components pertaining to different systems. The Office combines – without any explanation or reasoning – components and discussion that pertain to system 700 with components and discussion that pertain to system 800. However, system 700 and system 800 are different systems, as can be clearly learned from the introduction of the Zhang reference to the discussion of figure 8, in which it recites: "Referring now to FIG. 8, **yet another application** of the present invention is shown by the block diagram of a system 800 including a plurality of bit rate converters 802, 804, 806 for performing a statistical multiplexing for use of a single communication channel 810".

That is, a wholly distinct application is being disclosed, and therefore components of the two systems cannot be combined – and a person who is skilled in the art would not think to combine those two systems.

Most essentially, the Zhang reference fails to mention even once encryption, let alone reception of an encrypted media stream, let alone reception of a set of media streams, each media stream of the set of media streams comprises non-encrypted media stream components and encrypted media stream components.

The Applicants fails to understand how a document that fails to mention even once encryption may be regarded as the best available art as required by section 706.02 of the MPEP, or even be considered to teach the feature of the claimed subject matter which the Office argue it teaches.

For all of those reasons, the Applicants respectfully assert that the Zhang reference does not teach the features which the Office argues it teach, or any other feature relevant to the present discussion.

Referring to the argument that the Zhang reference fails to disclose a set of multimedia streams comprising non-encrypted and encrypted media streams received at the media stream modification unit – the Applicants wholeheartedly agree, but request the guidance of the Office as of to which of the claimed features this statement relates.

As for the Bennett reference, the Office merely argues that it teaches reception of different types of media streams – namely audio, video and data streams. The Office argued that it would have been obvious for one or ordinary skill in the art at the time of the invention was made to use the method of receiving sets of different types of media stream received as taught by Bennett et al in the system of Zhang et al to include the method of receiving a set of media streams comprising first and second media type media streams received at the media stream. The Applicants take note that receiving a set of media streams comprising first and second media type media streams is not mentioned in any of claims 1, 3-39, 54, 56-91, and 110-111, and therefore the Applicants respectfully request the Office to point them to which of the claimed feature this argument pertains.

The Applicants take note that neither does the Bennett reference teach of a system or method that implement or pertain to encryption.

Referring to the Kollmyer reference, it is argued in the Office Action that the Kollmyer reference disclosed the method for receiving media stream comprising non-encrypted and encrypted media stream components. The Applicants fail to understand where did the Office learned of "receive encrypted and non-encrypted portions of the media streams at the encryption bridge", and especially pertaining to column 5, line 62, to column 6, line 22, or to figure 1.

What the Applicants learned from the recited portion is that the **Encryption** Bridge 110 encrypts data rather than receive encrypted data. The media streams 170 received by the encryption bridge are not disclosed to be encrypted – nor is any reason for them – technical or other – to be encrypted.

The Applicants therefore request the office to withdraw the rejection, or at least to identify in which ways does the Kollmyer reference supposedly teach of any claimed feature. The Applicants further note that while claim 1, for example, specifically mentions "**multiplexing**, by a multiplexing unit, at least the encrypted media stream components and the modified non-encrypted media stream components", the media streams issued by the encryption bridge of the Kollmyer reference are to be received by a client computer 140 (e.g. to be displayed on the client's video monitor, etc.).

The Kollmyer reference specifically teach that the streaming servers 120 and the **clients 140** are the **ultimate** sources and **destinations**, respectively, of the data streams (e.g. multimedia content) 170 and data channels (e.g. control data) 150 transported via the EB 110 (Column 6, lines 32-36).

That is, data streams received from the encryption bridge are decrypted or otherwise processed by the client computer 140, and are then stored or displayed – but this is their ultimate destination. A person who is of skill in the art would not consider that the client computer 140 of the Kollmyer reference – or any other parallel unit – would further multiplex any media stream components – on the contrary, the Kollmyer reference specifically teach

against it, and provide strong reasoning against it (e.g. The EB 110 passes data to network clients 140 and ensures that the data owners or content providers that the data from their streaming servers 120 will be securely encrypted while traversing the Internet 130 and that once on the client machine 140 the data will be difficult to copy).

Therefore, the only unit in the Kollmyer reference that receive media stream encrypted in any way (except the intermediary internet component that do not modify the content passed through tem) in the client machine – which is taught to be their ultimate destination.

Therefore, a person who is of skilled in the art would not think that the Kollmyer reference teach further processing of media streams encrypted in anyway, especially not of modifying and multiplexing such streams so that they still include encrypted component – and would not consider to combine them with any other reference for that mean.

Even more, the Office argued that the Kollmyer reference may be used to modified the Zhang in view of Bennett combination in the motivation of providing a modification unit that receives different sets of media streams which is configured to perform encryption on a specific type media stream form the set of media streams to provide a secure connection between the communicating devices.

The Applicants respectfully assert that such a motivation is irrelevant to the features of claim 1 or 54 to which the Office pertain. Those claims do not mention **performing** encryption whatsoever but rather reception of set of media streams, each media stream of the set of media streams comprises non-encrypted media stream components and encrypted media stream components. Those claims also do not mention type of media streams (but rather pertain to media stream components).

It is further noted that providing a secure connection between the communicating devices does not in the Zhang reference (even if unnecessarily combined with the Bennett reference) does not necessary involve modification and multiplexing as claimed.

Therefore, the Applicants respectfully assert that independent claims 1 and 54 should be allowed, at least for the following reasons:

1. No reference out of the Zhang, Bennett, or Kollmyer reference teaches, or even suggest, applying a modification process on the non-encrypted media stream components (of each of a set of media streams, each media stream of the set comprises non-encrypted media stream components and encrypted media stream components) so as to provide at least one modified non-encrypted media stream component, and that neither does any combination of the aforementioned reference teach or suggest such a feature.
2. No reference out of the Zhang, Bennett, or Kollmyer reference teaches, or even suggest, multiplexing at least the encrypted media stream components (of each of a set of media streams, each media stream of the set comprises non-encrypted media stream components and encrypted media stream components) and the modified non-encrypted media stream components.
3. The aforementioned references should not be combined, at least for the reasons given above. If combined, the aforementioned references lead to contradiction, at least between the Zhang reference and the Kollmyer reference.
4. The aforementioned references if combined (albeit the inherent contradiction) do not lead to the claimed methods and apparatus.

Respectively, the Applicants respectfully request the office to allow claims 1 and 54.

Claims 3-39, 56-91, and 110-111 depend onto claims 1 or 54, and therefore incorporate by reference the limitations of those claims, which are not taught by any of the recited prior art references. Therefore, at least for this reason, claims 3-39, 56-91, and 110-111 should be allowed.

### **35 U.S.C. §103 Rejections of claims 40-53, and 92-105**

In the Office Action, claims **40-53**, and **92-105** were rejected under 35 U.S.C. §103(a), as being unpatentable over Zhang et al (US Patent 6,795,506) in view of Kollmyer et al. (US Patent 7,165,175).

Applicants respectfully traverse the rejection of claims 40-53, and 92-105 under 35 U.S.C. §103.

In section 6 of the Office Action, the Office mentions that the Applicants argument as filed on April 4, 2010 have been fully considered by is moot in view of new grounds of rejection.

As aforementioned, in section 707.07(f) of the MPEP under subsection 7.3, it is noted in the subsequent note, it is stated that in the rejection of the Office, any arguments presented by the Applicant which are still relevant to any references being applied should be addressed.

The Applicants respectfully assert that the current rejection repeats some of the reasons for rejection that were given in the previous Office Action (especially with regard to the Zhang reference and to the Kollmyer reference), against which the Applicants have previously argued. Since those arguments were not referred to by the Office, the ability of the Applicants to overcome those rejections have been hampered by the Office. The Applicants therefore request the Office to address those arguments as instructed by section 707.07(f) of the MPEP.

As argued in the previous response mailed April 4, 2010, the Zhang reference does not teach “converting the media stream to multiple layers that provide at least one out of a spatial scalability and a temporal scalability”. The Examiner suggests that column 15 lines 36-56 of the Zhang reference teaches “encoding streams into multiple layers”, however, the referred text does not disclose “converting the media stream to multiple layers **that provide at least one out of a spatial scalability and a temporal scalability**” The Kollmyer reference does not refers to spatial scalability and a temporal scalability and does not teach encrypting at least a portion of at least one layer that provides at least one out of a spatial scalability and a temporal scalability. Thus, the Kollmyer cannot cure the deficiencies of the Zhang reference.

Therefore, Applicants respectfully assert that claims 40, 47, 92 and 99 are likewise allowable.



Claims 41-46, 48-53, 93-98 and 100-105 depend from, directly or indirectly, claims 40, 47, 92 and 99, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 41-46, 48-53, and 100-105 are likewise allowable.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to independent claims 40, 47, 92 and 99 and to claims 41-46, 48-53, 93-98 and 100-105 dependent thereon.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Although Applicants may disagree with statements made by the Examiner in reference to the claims and the cited references, Applicants are not discussing all these statements in the current Office Action since reasons for the patentability of each pending claim are provided without addressing these statements. Therefore, Applicants reserve the right to address these statements at a later time if necessary.

Applicants request the rejection of all pending claims to be withdrawn, at least for the reasons identified above. Alternatively, Applicants request the replacement of this Office Action by a proper non-final Office Action, which would address the proper arguments made by the Applicants.

Since those arguments were not referred to by the Office in this Office Action, the ability of the Applicants to overcome those rejections have been hampered by the Office. The Applicants wish to notify the office that responding to Office Actions that do not respond to arguments of the Applicants but repeat the same rejection arguments is improper, cause the Applicants unnecessarily costs, and unduly damages the protection they are entitled to.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the

Page 21

prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

/OREN RECHES/

---

Oren Reches  
Attorney/Agent for Applicant(s)  
Registration No. 53,506

Dated: July 27, 2010

**Reches Patents**

211 North Union Street, Suite 100  
Alexandria, Virginia 22314  
United States  
Tel: (703) 838 5568  
Fax: (703) 683 4707